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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,152	01/29/2004	Wayne M. Hector	P-11121.00	4631
27581	7590	08/03/2006	EXAMINER BUSTAMANTE, ERIK J	
MEDTRONIC, INC. 710 MEDTRONIC PARK MINNEAPOLIS, MN 55432-9924			ART UNIT 3766	PAPER NUMBER

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/767,152

Applicant(s)

HECTOR, WAYNE M.

Examiner

Erik J. Bustamante

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 10-15 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/29/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 1/29/2004 is in compliance of 37 CFR 1.97. All the references cited are in compliance with the provisions of 37 CFR 1.98. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of the reasons cited in PTO-948 attached with this office action. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Specification***

1. The disclosure is objected to because of the following informalities: The applicant has not included a section that summarizes the inventive concept. Usually, this section is titled either "Summary of the Invention" or "Brief Summary of the Invention." The correct arrangement and inclusion of sections is under 37 CFR 1.77(b).

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3,5-7,10-12,and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by PEER-TREVARTON et al (4,301,805).

Regarding claim 1, PEER-TREVARTON discloses a medical device comprising:  
a connector module (Figure 2) including a sidewall (15) forming an outer surface  
and a connector bore (19) adapted to engage a medical lead; and  
a lead retention element (63) extending through an opening in the sidewall  
of the connector module, the retention element including a flow passage in  
fluid communication with the connector bore and the outer surface of the  
sidewall (Col 4 lines 20-30).

Regarding claim 2, PEER-TREVARTON discloses the device of claim 1, further  
comprising a seal (Col 4, lines 23-24) formed over the retention element on the  
outer surface of the sidewall, the seal adapted to prevent ingress of fluids into the  
connector bore.

Regarding claim 3, while PEER-TREVARTON does not implicitly state that the seal (Col 4, lines 23-24) is adapted to allow the egress of fluid out from the bore when the medical lead is inserted. It is an inherent feature that one could remove the seal (Col 4, lines 23-24) to allow for fluid to leave the bore.

Furthermore, one of ordinary skill in the art could recognize that if excess fluid were provided in the retention element of PEER-TREVARTON that fluid would egress from the seal (Col 4, lines 23-24) due to the pressure differential.

Regarding claim 5, PEER-TREVARTON discloses the device of claim 1, wherein the retention element comprises a set-screw (Col 3 Lines 38-40).

Regarding claim 6, PEER-TREVARTON discloses the device of claim 5 wherein the flow passage is formed as bore extending longitudinally through the set screw (Col 4 lines 20-30).

Regarding claim 7, PEER-TREVARTON discloses the flow passage is formed as groove extending longitudinally along an outer surface of the set-screw(Col 4 lines 20-30).

Regarding claim 10, PEER-TREVARTON discloses a medical device connector module, comprising a sidewall forming an outer surface (15);  
a connector bore (19) adapted to engage a medical lead;

a lead retention element (63) extending through an opening in the sidewall, the retention element including a flow passage in fluid communication with the connector bore and the outer surface of the sidewall (Col 4 lines 20-30).

Regarding claim 11, PEER-TREVARTON discloses the connector module of claim 10 further comprising a seal (Col 4 Lines 20-24) formed over the retention element on the outer surface of the sidewall, the seal adapted to prevent ingress of fluids into the connector bore.

Regarding claim 12, while PEER-TREVARTON does not implicitly state that the seal (Col 4, lines 23-24) is adapted to allow the egress of fluid out from the bore when the medical lead is inserted. It is an inherent feature that one could remove the seal (Col 4, lines 23-24) to allow for fluid to leave the bore.

Furthermore, one of ordinary skill in the art could recognize that if excess fluid were provided in the retention element of PEER-TREVARTON that fluid would egress from the seal (Col 4, lines 23-24) due to the pressure differential.

Regarding claim 13, PEER-TREVARTON discloses the connector module of claim 10, wherein the retention element comprises a set-screw (Col 3 lines 38-40).

Regarding claim 14, PEER-TREVARTON discloses the connector module of claim 13 wherein the flow passage is formed as a bore (Col 4 lines 20-30) extending longitudinally through the set-screw.

Regarding claim 15, PEER-TREVARTON discloses the connector module of claim 13 wherein the flow passage is formed as groove extending longitudinally along an outer surface of the set-screw (Col 4 lines 20-30).

***Allowable Subject Matter***

4. Claim 9 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: While there are many methods for engaging retention elements with an insertion tool, the prior art does not disclose nor teach the alignment of flow passages of an insertion tool and a retention element.

5. Claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik J. Bustamante whose telephone number is 571-272-8820. The examiner can normally be reached on Mon-Fri (8:30AM - 12:30 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner  
Art Unit 3766



Robert E. Pezzuto  
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EJB